

HAMILTON COUNTY BOARD OF COMMISSIONERS  
DECEMBER 12, 2005

The Hamilton County Board of Commissioners met on Monday, December 12, 2005 in the Commissioners Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The commissioners met in Executive Session at 9:00 a.m. and again at 1:00 p.m. in Conference Room 1A. President Altman called the public session to order at 2:10 p.m. and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt present. The Pledge of Allegiance was recited.

**Approval of Minutes**

Holt motioned to approve the minutes of November 22, 2005, November 28, 2005 and December 2, 2005. Dillinger seconded. Motion carried unanimously.

**Executive Session Memoranda**

Holt motioned to approve the Executive Session Memoranda of November 22, 2005 and December 2, 2005. Dillinger seconded. Motion carried unanimously.

**Bid Openings [2:11:24]**

**Fiber Project Final Leg Request for Proposal**

Mr. Michael Howard opened the Request for Proposals (RFP) for the final leg of the Fiber Project. RFP's were received from FiberTech Networks, Indiana Fiberworks and Clawson Communications. RFP's were referred to the ISS Department for review and recommendation at the January 9, 2006 meeting.

**Stratus Agreement**

Ms. BJ Casali stated she has forwarded the Stratus Agreement for the CAD/RMS project through the Homeland Security Grant for President Altman's signature.

**106th Street and Springmill Road Intersection Improvement**

Howard opened the bids for the 106th Street and Springmill Road intersection improvements. Form 96, Non-Collusion Affidavit, Bid Bond, Financial Statement and Acknowledgment of one (1) addendum were included unless otherwise noted. 1) Calumet Asphalt Paving, Inc. - \$592,726.13. 2) E&B Paving, Inc. - \$594,496.38. 3) Grady Brothers, Inc. - \$669,923.67. 4) Harco Paving, Inc. - \$568,299.06. 5) Hunt Paving - \$643,372.00. 6) Milestone Contractors, LLP - \$564,673.80. 7) Rieth-Riley - \$535,915.97. Dillinger motioned to forward the bids to the highway department for review and recommendation at the January 9, 2006 meeting. Holt seconded. Motion carried unanimously.

**Plat Approval**

**Kinnaman Estates - Calvary Apostolic Church**

Mr. Mike McBride recommended approval of the plat for Kinnaman Estates - Calvary Apostolic Church. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Variance Request**

**Little Farms Addition**

Mr. Chris Badger, Badger Engineering & Associates, Inc., requested a variance of the right of way width of 40' from the standard 50' right of way for the Little Farms Addition located in Homeplace, Clay Township. Maximum right of way is currently 30', 15' half. They are asking for a 20' half. A new road will be established and will end in an alley and reconnect to 104th Street. Mr. Jim Neal stated the highway department has requested several changes, which Mr. Badger has agreed to. The City of Carmel sent an e-mail this morning requesting the Commissioners take no action on the variances until they can meet with the highway department. The material for the construction of the alley is what Carmel wants, but not what the highway department wants. It is geo-block, a type of pavement that allows grass to grow on it. It is a polymer in a hexagon shape. Sand and grass are put on top of it. It allows a fire truck to drive on top of it without sinking. The proposed alley is a half block from the Monon Trail. Neal stated the county has not used the geo-block. The concern is trash trucks coming down the alley and not having a way to get out. He is not sure how durable the geo-block is. It may be fine for the occasional fire truck but there may be six different trash trucks going down the alley. Altman asked if it is possible to not dedicate the alley, leave it to the responsibility of the homeowners association? Howard stated this product is used in the City of Noblesville and has been relatively successful. Holt stated if Carmel is asking us to table this so the highway department can meet with them, that is the logical thing to do. Badger stated the variance has no jurisdiction on this, our plat currently shows a 15' alley, which is what the county asked for. In his best estimation, jurisdiction is the county's. For Carmel to ask for this was inappropriate because they do not have jurisdiction. Dillinger asked if we could approve the variance pending a definition of the material for the alley after a dialog with Carmel? Howard stated Mr. Holt's comment needs to be the first issue, whether or not it will be dedicated right of way. Badger stated the old plans showed, which Carmel did approve, it was not - it was going to be an easement with maintenance by the property owners. This plan shows a 15' platted alley along with 12' of pavement. There will also be No Parking signs and a one-way egress. The issue is the existing homeowners do not want people parking their vehicles on the alley. Altman stated it then becomes a law enforcement issue. Holt stated we are sending a letter to Fishers asking them to hold up until we can talk to them. We just received the letter from Carmel. Holt motioned to table. Dillinger stated he does not want to table it. The issue is the surface of the alley. Holt stated this is not the same plat that went to TAC. Badger stated this is the same plat that went through TAC, we had an alley first. Carmel has asked for us to remove the alley. Carmel wants public right of way. This is a platting issue, not the variance on the setback. The plat will either have public right of way or an easement. Badger does not know how it effects the variance whether we use geo-block or asphalt. Neal stated the highway department does not have an issue with the variance. Dillinger motioned to approve the request for the variance. Altman seconded. Holt stated the planning director from Carmel has asked us to table this. Dillinger stated his letter was very specific. Altman stated we are approving the variance but we are still concerned about the material being used in the alley. Howard asked if the plat approved by the Carmel Plan Commission included 40' roads? Badger stated yes. The variance was incorporated in the plat. Holt asked how does this move the developer along, he is not here for plat approval. If we table this for the next meeting and allow the highway department to meet with Carmel, then we are on the same timeline as we are today. Altman asked if we have a consensus that we do not have a problem with the right of way? The commissioners agreed. Dillinger asked why can we not respond to Carmel that we approved the variance but did not approve the plat until our highway department has met with Carmel. Badger stated he will add the variance on the signature line of the plat. Badger stated they are going to try to have it resolved by next Monday. Holt asked it to be put on the December 22nd meeting agenda. Dillinger approved. Altman and Holt opposed. Motion denied.

**Highway Business [2:35:34]**

**Acceptance of Bonds/Letters of Credit - Highway Department**

HAMILTON COUNTY BOARD OF COMMISSIONERS  
DECEMBER 12, 2005

Neal requested acceptance of Bonds and Letters of Credit for the highway department. 1) HCHD #B-05-0083 - Bond Safeguard Performance Bond No. 5018084 issued on behalf of Precedent Residential Development LLC in the sum of \$46,360 for asphalt pavement in Fox Hollow at Geist, Section 5 to expire November 22, 2006. 2) HCHD #B-05-0084 - Bond Safeguard Performance Bond No. 5018085 issued on behalf of the Precedent Residential Development, LLC in the sum of \$1,600 for street signs in Fox Hollow at Geist, Section 5 to expire November 22, 2006. 3) HCHD #B-05-0085 - Bond Safeguard Performance Bond No. 5018086 issued on behalf of Precedent Residential Development LLC in the sum of \$14,253.60 for curb and gutter in Fox Hollow at Geist, Section 5 to expire November 22, 2006. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Agreements/Supplements**

**Bridge #191, Over Geist Reservoir on Olio Road**

Neal requested approval of agreement, HCHD #M-05-0035, between Hamilton County and INDOT for bridge rehabilitation for Bridge #191 over Geist Reservoir on Olio Road. Dillinger motioned to approve. Holt seconded. Motion carried unanimously. Mr. Brad Davis stated this is the agreement that the highway department had not agreed to the terms, the federal aid portion had been capped. This is an agreement that both parties feel is acceptable and will save the county over \$900,000 of local funds. Motion carried unanimously.

**106th Street and College Avenue Supplemental Agreement No. 3**

Neal requested approval of Supplemental Agreement No. 3, HCHD #E-03-0009, for 106th Street and College Avenue for an additional cost to the inspection consultant in the amount of \$32,357.45. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Supplemental Agreement No. 2**

**116th and Shelbourne Road**

**136th and Prairie Baptist Road**

**161st and Gray Road**

Neal requested approval of Supplemental Agreement No. 2, HCHD #E-98-0012, with Paul I. Cripe, Inc. for 116th Street and Shelbourne Road, 136th Street and Prairie Baptist Road and 161st Street and Gray Road. This agreement is for restructuring the fees, there was no net change in the dollars. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**2005-2007 Bridge Inventory Inspection Services**

Neal requested approval of an agreement with INDOT for 2005-2007 Bridge Inventory Inspection Services. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Concurrence with Traffic Study Correspondence**

Neal requested approval of the list of correspondence concerning investigations of requests for signage on Hamilton County Roads. 1) Deanna Stowers - Boxley Signs and additional speed limit sign in Adams Township. 2) Perry Marshall - Three-Way Stop at White Horse Lane & Eller Road in Delaware Township. 3) Dave Coradini request for median cut at Taylor Trace Drive to 146th Street in Clay Township. Dillinger motioned to approve. Holt seconded. Altman requested the response to Mr. Cordini that the median cut was requested at the time of plat approval and denied and things have not changed since then. It is important that the homeowner understand it is not a new request. Motion carried unanimously.

**Acceptance of Right of Way**

Neal requested approval of the Dedication of Public Right of Way from Gray Eagle Partners, LLC for Fox Landing at Gray Eagle, for a 60' half along Olio Road south of 126th Street. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Correspondence [2:42:57]**

**Bridge #68, 281st Street over Duck Creek**

Neal requested the President's signature on a letter from IDEM regarding Bridge #68, 281st Street over Duck Creek environmental impacts. Altman stated she has reviewed the letter, is aware of the information and signed the letter.

**Announcements**

**Highway Meeting Dates for 2006**

Mr. Brad Davis presented a list of the proposed meeting dates for the 2006 Commissioner-Highway Department meetings for their review and approval at their next meeting.

**Resolution 12-12-05-1, Declaring Excess Property [2:44:24]**

Howard requested approval of Resolution 12-12-05-1, A Resolution of the Board of Commissioners of Hamilton County Declaring Excess Property concerning .188 acres on the east side of Olio Road near 117th Street. When the county acquired right of way there was a residential right of way, purchased the home and the home was moved. There is now excess property and an adjoining landowner has inquired about purchasing the property. A minimum bid has been submitted by F.C. Realty Investments, LLC in the amount of \$82,000. The resolution declares the ground as excess property with a bid date of January 9, 2006. Minimum bid would be \$82,000. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**United Way [2:46:51]**

Ms. Denise Tull, Area Director of United Way, stated it is United Way time for Hamilton County employees. Packets have been distributed to all department heads and employees. Fred Swift will be the collection coordinator for this years' campaign.

**Dedication of Land for Carmel Dad's Club [2:48:24]**

Mr. Chris Worth, Boomerang Development, requested the commissioners acceptance of the dedication of 37.49 acres to Hamilton County that will be transferred to the Carmel Dad's Club. The property is located on the west side of Shelbourne Road north of 131st Street. Worth also requested someone be authorized to sign the Sales Disclosure and IRS forms when available. Altman stated this land is part of one of Boomerang Development's properties and will be used for Lacrosse fields which will be operated and controlled by Carmel Dad's Club. The covenants require the development company to dedicate the property to a public entity and they have asked that the county be the conduit to then turn the property over to the Carmel Dad's Club. Howard stated he has reviewed the deed and appears to be in good form. Howard will accept the responsibility of executing the Sales Disclosure and documents as the county's Attorney in Fact. Howard will present the deed at the next meeting. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Community Development Block Grant Subrecipient Agreements [2:51:39]**

HAMILTON COUNTY BOARD OF COMMISSIONERS  
DECEMBER 12, 2005

Mr. Mark McConaghy, CDBG Coordinator, requested approval of subrecipient agreements for the Community Development Block Grant. Agreements are: 1) Family Services of Central Indiana - \$20,500. 2) Meals on Wheels of Hamilton County - \$1,955. 3) Alternatives, Inc. of Madison County - \$21,000. 4) Saint Vincent DePaul - \$21,000. 5) The Salvation Army - \$22,000. 6) Community Caring Foundation - \$21,500. 7) Neighborhood Christian Legal Clinic - \$21,000. 8) Westfield Public Library - \$6,000. Altman stated Alternatives of Madison County are primary providers of shelter care, we now have a Hamilton County shelter that we will need to consider for funding in the future. Holt stated Alternatives of Madison County indicated they are the new providers for Hamilton County. Altman asked how the Community Caring Foundation is affiliated with Hamilton County? McConaghy stated they are an organization that provides volunteers for homebound and handicapped residents of Hamilton County. Altman stated we have PrimeLife and Janus. Altman wants to make sure we are integrating our existing funding before we take on additional funding. McConaghy stated those organizations did not apply this year, so we have chose from those that apply. McConaghy suggested tabling their request and they can come to the next meeting to answer the questions. Altman requested tabling the Community Caring Foundation request in order to receive more information. Holt motioned to approve the agreements, except for Community Caring Foundation. Holt seconded. Motion carried unanimously.

**Commissioner Committee Reports [2:56:01]**

**Central Indiana Regional Transportation Authority**

Altman stated she was elected President of the Central Indiana Regional Transportation Authority.

**Attorney [2:56:59]**

**Ordinance 12-12-05-A, Airport Non-Reverting Fund**

Mr. Michael Howard requested approval of Ordinance 12-12-05-A, Establishing an Airport Non-Reverting Fund for environmental clean-up. Dillinger motioned to suspend the rules. Holt seconded. Motion carried unanimously. Dillinger motioned to approve Ordinance 12-12-05-A. Holt seconded. Motion carried unanimously.

**Sheriff [2:59:22]**

Captain Dan Stevens stated the Hamilton County Sheriff's office would like to wish the commissioners a wonderful holiday season and look forward to a productive 2006.

**Criminal Justice Retreat**

Altman stated she and Captain Stevens attended the Hamilton County Council meeting where it was discussed and they received an additional appropriation for planning of the Jail site. The Council has asked when we are holding a joint retreat. Suggested time is sometime in late January or mid February, 2006. Mr. Swift will get available dates from the commissioners to be presented to council.

**CAD/RMS Server Agreement**

Holt motioned to authorize President Altman to sign the CAD/RMS Server Agreement. Dillinger seconded. Motion carried unanimously.

**Administrative Assistant [3:01:11]**

**Retreat**

Mr. Fred Swift suggested a location for the retreat as the Morse Beach Park Shelter, which is available.

**Community Corrections Board Appointment**

Swift stated Kelly Kochel has resigned from the Community Corrections Board. Ralph Watson has recommended Stephanie Lyons to serve in that position. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Senior Connects**

Swift stated the county has given surplus computer equipment to Senior Connects in the past. The ISS Department has several items that are valued under \$1,000 which we could donate to Senior Connects. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Transportation Enhancement Grant - Parks Department**

Swift stated the Hamilton County Parks Department is making application for a Transportation Enhancement Grant on behalf of Washington Township to complete the Monon Trail in un-incorporated Washington Township and is requesting approval of the application. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Janus Transportation Funding**

Swift stated the county council has transferred the money for the funding of the Janus County wide Transportation proposal. Swift requested approval of encumbering the \$81,000 for 2006. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Auditor [3:06:34]**

**EMS Vehicle Titles**

Ms. Robin Mills requested the President's signatures to sell the EMS Vehicles per the agreement signed by the commissioners on November 28, 2005. The vehicles are currently titled to the commissioners. The vehicles will go to Riverview Hospital, Wayne Township, Jackson Township and the Town of Sheridan. Holt asked if they were carried on the county's liability policy? Altman stated by agreement, Riverview Hospital paid for insurance and maintenance. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Altman stated the county council and the Riverview Board have adopted the agreement. There is one more agreement to go with the townships. Jackson Township has had a change of personnel. Altman stated Steve Peachey is concerned about funding and wanted to know when he would receive the first payment of that agreement, because he is going to be extremely tight. Is there any emergency lending we can do on that program? He is picking up EMS responsibility and fire protection coverage for Jackson Township. Mills stated from the Auditor's standpoint the contract should be divided by 12 and they will submit the claims monthly. For anybody to be paid differently will have to be decided on an individual basis. It would be easier if they would enter into contracts for the \$108,000 divided by 12 and they send those claims in. Howard asked if there is a problem paying it quarterly? Altman asked in advance or arrears? Howard stated however the commissioners want. Altman asked if we have an issue with a loan and it would be repayable if the services were not provided? Altman would prefer to do that. Howard stated with no more money than we are talking about you could advance it quarterly but they have to prove it. That would put the contract in place and they would have to provide proof every quarter before the next payment. Holt stated in advance has some merit, a loan would be a hassle. Howard stated to make it a loan would be complicated. The commissioners had consensus on the quarterly payments. Altman stated once the agreements are in place between the county and the entities that we revamp the Riverview agreement.

**Fixed Asset Notification Forms**

HAMILTON COUNTY BOARD OF COMMISSIONERS  
DECEMBER 12, 2005

Mills requested approval of Capital Asset Notification Forms from the ISS Department, EMA, Highway Department and Microfilm. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Acceptance of Bonds/Letters of Credit - Drainage Board**

Mills requested acceptance of Bonds and Letters of Credit for the drainage board. 1) HCDB-2005-00121 - Bond Safeguard Insurance Company Subdivision Bond No. 5020172 for Lakes at Towne Road Phase 2 monumentation - \$10,000. 2) HCDB-2005-00122 - Bond Safeguard Insurance Company Subdivision Bond No. 5020171 for Lakes at Towne Road Phase 2 storm sewers and underdrains - \$175,324. 3) HCDB-2005-00123 - Bond Safeguard Insurance Company Subdivision Bond No. 5020170 for Lakes at Towne Road Phase 2 erosion control - \$68,494. 4) HCDB-2005-00124 - Bond Safeguard Insurance Company Subdivision Bond No. 5019824 for Long Ridge Estates Section 2 erosion control - \$12,000. 5) HCDB-2005-00125 - Bond Safeguard Insurance Company Subdivision Bond No. 5019825 for Long Ridge Estates Section 2 monumentation - \$10,416. 6) HCDB-2005-00126 - Bond Safeguard Insurance Company Subdivision Bond No. 5019826 for Long Ridge Estates Section 2 storm sewers and subsurface drains - \$237,158.40. 7) HCDB-2005-00127 - Developers Surety and Indemnity Company Subdivision Performance Bond No. 717415S for Aberdeen Bend monumentation - \$10,200. 8) HCDB-2005-00128 - Developers Surety and Indemnity Company Subdivision Performance Bond #717414S for Aberdeen Bend erosion control -\$51,378. 9) HCDB-2005-00129 - Developers Surety and Indemnity Company Subdivision Performance Bond No. 717413S for Aberdeen Bend subsurface drains - \$58,159. 10) HCDB-2005-00130 - Developers Surety and Indemnity Company Subdivision Performance Bond No. 717412S for Aberdeen Bend storm sewers - \$295,875. 11) HCDB-2005-00131 - Bond Safeguard Insurance Company Subdivision Bond No. 15-801242 for the Trails at Hayden Run erosion control - \$46,251. 12) HCDB-2005-00132 - Bond Safeguard Insurance Company Subdivision Bond No. 15-801243 for the Trails at Hayden Run monuments - \$11,280. 13) HCDB-2005-00133 - Bond Safeguard Insurance Company Subdivision Bond No. 15-801241 for the Trails at Hayden Run storm sewer (relocated drain) - \$23,792.. 14) HCDB-2005-00134 - Bond Safeguard Insurance Company Subdivision Bond No. 15-801240 for the Trails at Hayden Run storm sewers (on-site) - \$211,168. 15) HCDB-2005-00135 - Bond Safeguard Insurance Company Subdivision Bond No. 15-801244 for the Trails at Hayden Run subsurface drains - \$50,603. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Release of Bonds/Letters of Credit - Drainage Board**

Mills requested approval of the release of Bonds and Letters of Credit for the Drainage Board. - 1) HCDB-2005-00056 - Fifth Third Bank Letter of Credit No. CIS403983 for Aberdeen Bend storm sewers - \$295,875. 2) HCDB-2005-00057 - Fifth Third Bank Letter of Credit No. CIS403984 for Aberdeen Bend Subsurface Drains - \$58,159. 3) HCDB-2005-00058 - Fifth Third Bank Letter of Credit No. CIS403935 for Aberdeen Bend erosion control - \$51,378. 4) HCDB-2005-00059 - Fifth Third Bank Letter of Credit No. CIS403934 for Aberdeen Bend monumentation - \$10,200. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Payroll Claims**

Mills requested approval of Payroll Claims for the period of November 21 thru December 4, 2005 to be paid December 16, 2005. Dillinger motioned to approve. Altman seconded. Motion carried unanimously.

**Vendor Claims**

Mills requested approval of Vendor Claims to be paid December 13, 2005. Dillinger motioned to approve. Holt seconded. Motion carried unanimously

Holt motioned to adjourn. Dillinger seconded. Motion carried unanimously.

**Commissioners Correspondence**

Fatal Alcohol Crash Team/OWI Prosecutor Grant Memo from Robin Mills  
HUD Notice of Removal of Community Development Block Grant Conditions  
INDOT Traffic Controls on US 31  
DNR Public Notice

Public Access West Fork of White River  
Beam, Longest and Neff, LLC Notice of Transmittal  
Bridge #257, Lantern Road over Shoemaker Ditch  
IDEM Notice of Sewer Permit Applications  
Little Farms Addition to Homeplace - Carmel  
IDEM Notice of Sewer Construction Permit Applications:  
Bayview Estates - Fortville  
Kendall Wood - Carmel  
LongRidge Estates, Section 2 - Carmel  
Overbrook Farms, Section One - Carmel  
Slater Run, Section 2 - Noblesville  
Stoney Creek Commons II - Noblesville  
The Meadows of Shelborne at Deer Path, Sections 8 & 9 - Noblesville  
Waterman Farms, Section 3 - Noblesville  
Weston Pointe Retail Center - Carmel

**Present**

Christine Altman, Commissioner  
Steven C. Dillinger, Commissioner  
Steven A. Holt, Commissioner  
Robin M. Mills, Auditor  
Kim Rauch, Administrative Assistant to Auditor  
Fred Swift, Administrative Assistant to Commissioners  
Michael A. Howard, Attorney  
Darren Murphy, Attorney  
Dan Stevens, Sheriff Captain  
Brad Davis, Highway Director  
Jim Neal, Highway Engineer  
Virginia Hughes, Administrative Assistant to Highway Engineer  
Mike McBride, Highway Technical Engineer

HAMILTON COUNTY BOARD OF COMMISSIONERS  
DECEMBER 12, 2005

Christopher Burt, Highway Staff Engineer  
Tim Knapp, Highway Right-of-Way Specialist  
Joel Thurman, Highway Project Engineer  
Matt Knight, Highway Staff Engineer  
Faraz Kahn, Highway Department  
Kathy Howard, Highway Department  
Bob Davis, Highway Superintendent  
Floyd Burroughs, FEBA  
Kimberly Arnett, Bid Opening  
PJ Opelt, Bid Opening  
Chris Badger, Little Farms Addition  
BJ Casali, ISSD  
Clint Sparks, Bid Opening  
Bob Hanson, Noblesville Daily Times  
Becki Wise, USI  
Patti Smith, BLN  
Denise Tull, United Way  
Chris Worth, Boomerang Development  
Mark McConaghy, Noblesville Housing Authority

APPROVED  
HAMILTON COUNTY BOARD OF COMMISSIONERS

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ATTEST

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Robin M. Mills, Auditor